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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,011	12/11/2001	Michael Gauselmann	M-12388 US	2090

32566 7590 01/31/2007  
PATENT LAW GROUP LLP  
2635 NORTH FIRST STREET  
SUITE 223  
SAN JOSE, CA 95134

EXAMINER
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WEBER, CHRISTOPHER STEVEN

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/015,011

Applicant(s)

GAUSELMANN, MICHAEL

Examiner

Christopher S. Weber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-30 and 33-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-30 and 33-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. This office action is in response to applicant's appeal brief filed on July 6<sup>th</sup> 2005. Claims 25-30 and 33-43 are pending.

### ***Specification***

3. The disclosure is objected to because of the following informalities: Figure 12 does not have an associated "brief description."

Appropriate correction is required.

### ***Claim Objections***

4. Claim 40 is objected to because of the following informalities: claim 40 states "wherein the lamps are arranged one at least one side of the display." It is believed that this was intended to be "on." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 25-27 and 36-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennet et al. (International Publication Number: WO 00/32286)

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7. Regarding at least claim 25, Bennet et al. discloses a plurality of linked gaming machines (Page 12, Lines 30-31, "Bank of consoles" and Page 14 Line 20 "linked gaming machines"); a display means for displaying a game (Page 2, Lines 12-16); a plurality of lamps of different colors (Figs 19 a-d, Item 151 is a "top box screen" which the examiner interprets to be a plurality of lamps capable of displaying different colors); lamps partially surrounds display (Figs 19 a-d, item 151 partially surrounds gaming display item 41); linked gaming machines signaling one another and selectively illuminating lamps in a coordinated manner to indicated they are linked (Figs 19 a-d, Page 12 Line 30 through Page 13 Line10.)
8. Regarding claims 26-27, Bennet et al. discloses activating the lamps in a manner that does not affect outcome (page 2 lines 39-30) as well as different manners for winning and losing outcomes (Page 17, Lines 1-5, 18 Lines 1-3, 19 Lines 5-8.)
9. Regarding Claims 36 —43, Bennet et al. discloses signaling the beginning of a competitive game, jackpot game, common jackpot (Page 12, Lines 9-11, Page 13 Lines 6-10); lighting in a sequential manner or a same manner (page 28 Line 28 through page 29 Line 2); indicating a winning machine (Page 11 Line 27 and Page 17 Lines 1-5.)

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennet et al. (International Publication Number: WO 00/32286) in view of Luciano Jr. et al. US Patent 6,541,921. The teachings of Bennet et al. have been discussed in the rejections above. Additionally Bennet et al. teaches manipulating light and sound in response to player wagers and paylines (Page 18 Line 15 and Page 21 Lines 26-28, the motion of the moving character changes in response to both). Bennet et al. does not specifically disclose manipulating brightness in response to player wager or paylines. Luciano, Jr. et al. discloses that when lamps are used in devices, the intensity can be varied for different operating modes. It is well known in the art that paylines and coins bet define the operating mode of a slot machine in order to associate the correct pay tables and lines to compare to the tables. Luciano, Jr. et al. also support using a medium intensity during normal game mode that would be different from the high intensity used in an attract mode (Column 6, lines 15-20). Further, channel intensity variation can be used to vary the intensity when it is desirable to emphasize particular channels such as paylines used (Column 6, lines 15-20) to create a greater contrast between designated channels. It would have been obvious to one of ordinary skill in the

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art at the time of the invention to combine the intensity manipulation functions taught by Luciano et al. with the linked gaming setup of Bennet et al. Bennet et al. teaches the manipulation of light in order to attract players as well as notify players of various aspects of the game. Adding brightness manipulation to Bennet et al. would further add interest to players and keep them amused and willing to play longer as taught on Page 1 Lines 7-11.

13. Claims 28, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennet et al. in view of DeMar et al. US Patent 6,315,660. The teachings of Bennet have been discussed above. Bennet et al. discloses lamps along one side of a gaming display but does not teach lamps along adjacent sides or two sides. DeMar et al. discloses lights that surround a bonus game indicating multiple portions of the display. (Fig 7, the game board can be selectively lit as desired and borders an active part of the game, Column 11 Lines 24-35). It would have been obvious to one of ordinary skill in the art at the time of the invention expand on the bordering lights taught in Bennet et al. with the border lights taught by DeMar et al. Allowing "Mr. Cashman" from Bennet et al. to walk completely around the game machine would further attract and amuse players in order to increase their willingness to play and play longer as taught on Page 1 Lines 7-11. While the DeMar et al. teaches that the light manipulation effects the gameplay, Bennet et al. already teaches that the light manipulation can have an effect, such as giving a bonus, or have no effect at all.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

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Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

***Response to Arguments***

14. Applicant's arguments with respect to claims 25-30 and 33-43 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Weber whose telephone number is 571-272-3064. The examiner can normally be reached on Monday - Friday 7am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSW

*Ronald Aeneas*  
Primary Examiner  
1/29/07